

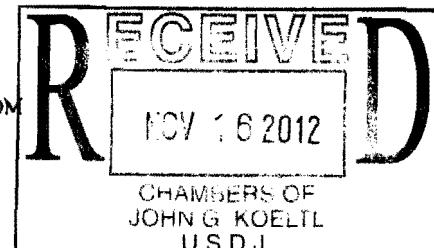
USDC SDNY FORCHELLI, CURTO, DEEGAN, SCHWARTZ, MINEO & TERRANA, LLP
DOCUMENT COUNSELORS AT LAW

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DATE FILED: 11/16/12THE OMNI
333 EARLB OVINGTON BOULEVARD, SUITE 1010
UNIONDALE, NEW YORK 11553
TELEPHONE: (516) 248-1700
FACSIMILE: (516) 248-1729
PERSONAL FAX: (866) 522-7819

WEBSITE:WWW.PORCHELLILAW.COM

RUSSELL G. TISMAN
PARTNER
RTISMAN@PORCHELLILAW.COM

November 16, 2012

BY TELECOPIER (212) 805-7912

Hon. John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Hammond v. Toy Industry Association
11 Civ. 3179 (JGK)

Dear Judge Koeltl:

We represent defendant Freeman Decorating Services, Inc. in the above-referenced action. I had planned to make this request verbally at today's conference, but I learned yesterday that the conference has been adjourned to accommodate Mr. Varvaro's scheduling conflict. With the consent of all parties, I am writing to request that all deadlines be extended by three months as a result of disruptions caused by Hurricane Sandy.

My home was severely damaged necessitating our evacuation at the direction of the fire department when a tree fell through the roof. While we attempt to locate temporary housing, my family is disbursed among friends and relatives. I am preoccupied with getting my family together under one roof, attempting to salvage (and inventorying what can't be saved) our personal effects, and with dealing with my insurer, and contractors to have my home restored. These efforts have been at the expense of work.

My carrier has authorized a temporary three month rental to allow time for the restoration and return to our home.

Mr. Gropper, who represents plaintiffs, also has experienced work disruption and loss of power in his home for more than two weeks. Consequently discovery responses and authorizations for additional medical records owed by plaintiffs are understandably overdue. His

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COUNSELORS AT LAW

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delay in providing this discovery would impact our ability to complete fact, and possibly expert discovery within the current deadlines, even if I was not dealing with these other issues.

Finally, Toy Industry Association, Inc. has sought permission to assert contractual indemnification claims against a new third party defendant, Mr. Hammond's employer - Maher Manufacturing Corp. d/b/a Fiesta Concession. Freeman does not oppose this request. The addition of Fiesta, if allowed, undoubtedly would require adjustment of the current deadlines to provide the new third party defendant with an opportunity to "catch up" and undertake whatever additional discovery it requires.

In light of these extenuating circumstances, we respectfully request that this further adjournment be granted.

Very truly yours,

FORCHELLI, CURTO, DEEGAN, SCHWARTZ,
MINEO & TERRANA, LLP


Russell G. Tisman

RGT/ms
Enclosure

cc: Joshua Gropper, Esq. (all by email)
Joseph Varvaro, Esq.
Heidi Weiss, Esq.